

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 60-77 were canceled previously. Claims 78-104 were also previously requested to be canceled. Claims 105-134 are canceled. Claims 135-150 are added. Thus, Claims 135-150 are pending in the present application.

### **I. Examiner Interview Summary**

Applicant's representative conducted a telephone interview with Examiner Augustin on April 14, 2009. Applicant thanks the Examiner for returning the phone call of Applicant's representative on the same day. Applicant also thanks the Examiner for discussing the rejections of Claim 105 and Claim 125.

### **II. Claim Rejections - 35 USC § 101**

On page 2 of the Office Action, Claims 125-134 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner argues that "claim 125 is not tied to any particular apparatus." Applicant has cancelled Claims 125-134, rendering the rejection moot.

### **III. Rejection of Claims 105-124**

On page 2 of the Office Action, the Examiner notes "With regard to claims 105-124, those claims would be allowable if applicant amends claim 105 to exclude intended use language (*i.e.*, "sequence generator generating a Gold code... "). Otherwise, the 102 rejection is maintained." Applicant has cancelled Claim 105, rendering the rejection moot.

### **IV. Rejection of Claims 78-104 Under 35 U.S.C. § 102(b)**

In Section 3 of the Office Action, Claims 78-104 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,607,375 to Lee (Lee). Claims 78-104 were previously cancelled in the action filed January 23, 2009, and acknowledged by the Examiner

on page 2 of the present Office Action. As a result, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(b).

**V. New Claims**

Claims 135-150 have been added. No new matter has been introduced with the new claims. Applicant would like to point out that the newly pending claims are similar, although different in scope, to claims in one of the present application's parent applications that has issued as U.S. Patent No. 7,457,345 (see Claims 10 and 14). The new claims have added "mobile" and have clarified the language involving set verses subsets of codes.

Applicant believes that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

FOLEY & LARDNER LLP  
Customer Number: 23524  
Telephone: (608) 258-4292  
Facsimile: (608) 258-4258

Paul S. Hunter  
Attorney for Applicant  
Registration No. 44,787